

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

KWOK et al.

Atty. Ref.: 4398-303

Serial No. Continuation of U.S. Serial No. 10/264,326

Group: 3761

Filed: November 4, 2003

Examiner: Unknown

For: FOREHEAD SUPPORT FOR FACIAL MASK

* * * * *

November 4, 2003

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

The undersigned attorney brings to the attention of the Patent and Trademark Office below-listed U.S. Application(s). The identification of the U.S. Patent Application(s) is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application(s) during examination.

Examiner's Initials

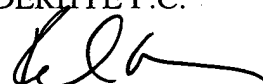
_____ U.S. Appln. No. 10/230,169 filed August 29, 2002;
_____ U.S. Appln. No. 10/221,574 filed September 13, 2002; and
_____ U.S. Appln. No. 10/221,572 filed September 13, 2002.

It is respectfully requested that the Examiner initial and return a copy of this Information Disclosure Statement, and to indicate in the official file wrapper of this patent application that each above-identified applications has been considered.

Respectfully submitted,

NIXON & VANDERHYTE P.C.

By: _____



Paul T. Bowen
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INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO-1449 is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

1) ☒ This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

a) ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(c)

In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs),

the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b) ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

2) ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Office is

authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

- b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- c. ☐ Attached is our check in the amount of \$____ in payment of the fee under 37 C.F.R. § 1.17(p).

3) ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$____ in payment of the fee under 37 C.F.R. § 1.17(i).

- a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign

patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4) ☐ Relevance of the non-English language document(s) is discussed in the present specification.

5) ☐ The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report or official action is attached for the Examiner's information. See MPEP § 609.

6) ☐ A concise explanation of the relevance of the non-English language document(s) appears below:

7) ☒ Copies of the documents were cited by or submitted to the Office in Application No. 10/264,326, filed October 4, 2002, or 09/502,745, filed February 11, 2000, which are relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

8) ☐ The publication date of at least one of the listed documents does not provide a month of publication. However, the year of publication of each listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Each publication date is listed on the attached PTO-1449 based on information presently available to the undersigned. However, each listed publication date should not be construed as an admission that the information was actually published on the date indicated.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.


KWOK et al.
Continuation of U.S. Serial No. 10/264,326
November 4, 2003

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 4398-303.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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FORM PTO-1449 (modified)
To: U.S. Department of Commerce
(PW FORM PAT-1449)
Patent and Trademark Office

Atty. Dkt. No.	M# 4398-303	Client Ref.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Applicant: Kwok et al.	
Appln. No.: New Continuation of USSN 10/264,326	
Filing Date: November 4, 2003	
Examiner: G. Dawson	Group Art Unit: 3761

Date: November 4, 2003 Page 1 of 12

U.S. PATENT DOCUMENTS

Examiner's Initials*		Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	1R	5,220,699	06/1993	FARRIS			
	2R	4,919,128	04/1990	KOPALA et al.			
	3R	6,119,693	09/2000	KWOK et al.			
	4R	6,443,355	06/2001	GUNARATNAM et al.			
	5R	6,463,931	10/2002	KWOK et al.			
	6R	6,520,182	02/2003	GUNARATNAM			
	7R						
	8R						
	9R						
	10R						
	11R						
	12R						
	13R						
	14R						
	15R						
	16R						
	17R						

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS							Abstract		Readily Available	
		Document Number	Date MM/YYYY	Country	Inventor Name		Enclosed	No	Enclos	No
	18R	WO 98/24499	06/1998	PCT	KWOK					
	19R	WO 00/57942	10/2000	PCT	Gunaratnam					
	20R	2 186 801	08/1987	Great Britain						
	21R	11-000397	01/1999	Japan						

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

	22R	Product Brochure for "Sullivan Mirage" Face Mask, ©1997, ResMed, 4 pages			
	23R	Product Brochure for "Sullivan Mirage" Face Mask, ©1998, ResMed, 4, pages			
	24R	Color Photo of "Weinmann Mask" 1998, 1 page			
	25R	"The ResMed Range of Mask Systems" product brochure, November 1995, 4 pages.			
	26R	"Somnotron CPAP-Gerat WM 2300" instruction manual, Weinmann Hamburg (1991), 11 pages.			
	27R	9 photographs of Weinmann mask, WM 23122, 1991.			

Examiner	Date Considered:
<p>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.</p>	

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Examiner: G. K. Dawson

Group Art Unit: 3761

U.S. PATENT DOCUMENTS

Examiner's Initials*		Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	28R	1,926,027	09/1933	BIGGS			
	29R	2,123,353	07/1938	CATT			
	30R	2,248,477	07/1941	LOMBARD			
	31R	2,254,854	09/1941	O'CONNELL			
	32R	2,371,965	03/1945	LEHMBERG			
	33R	2,438,058	03/1948	KINCHELOE			
	34R	2,931,356	04/1960	SCHWARZ			
	35R	Des. 188,084	05/1960	GARELICK			
	36R	2,939,458	06/1960	LUNDQUIST			
	37R	3,189,027	06/1965	BARTLETT			
	38R	3,238,943	03/1966	HOLLEY			
	39R	3,315,674	04/1967	BLOOM et al.			
	40R	3,330,273	07/1967	BENNETT			
	41R	3,362,420	01/1968	BLACKBURN et al.			
	42R	3,363,833	01/1968	LAERDAL			
	43R	3,556,122	01/1971	LAERDAL			
	44R	3,700,000	10/1972	HESSE, Deceased et al.			
	45R	3,796,216	03/1974	SCHWARZ			
	46R	Des. 231,803	06/1974	HUDDY			
	47R	4,077,404	03/1978	ELAM			
	48R	Des. 250,131	10/1978	LEWIS et al.			
	49R	4,167,185	09/1979	LEWIS			
	50R	4,226,234	10/1980	GUNDERSON			

FOREIGN PATENT DOCUMENTS

		Document Number	Date MM/YYYY	Country	Inventor Name		English Abstract		Translation Readily Available	
							Enclosed	No	Enclose	No
	51R									

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

	52R	Mask 1 Photographs, Respiration Inc., Reusable Full Mask (small) Part #452033 Lot #951108.
	53R	Mask 2 Photographs, Puritan - Bennett, Adam Curcuit, Shell Part #231700, Swivel Part #616329-00, Pillows (medium) Part #616324.
	54R	Mask 3 Photographs, DeVilbiss Healthcare Inc., Devilbiss Seal-Ring and CPAP Mask Kit (medium), Part #73510-669.
	55R	Mask 4 Photographs, Respiration Inc., Monarch Mini Mask with Pressure Port. Part #572004, Monarch Headgear, Part #572011.

Examiner

Date Considered:

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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Examiner: G.K. Dawson

Group Art Unit: 3761

U.S. PATENT DOCUMENTS

Examiner's Initials*		Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	56R	4,245,632	01/1981	HOUSTON			
	57R	4,304,229	12/1981	CURTIN			
	58R	Des. 262,322	12/1981	MIZERAK			
	59R	4,328,797	05/1982	ROLLINS et al.			
	60R	4,347,205	08/1982	STEWART			
	61R	4,354,488	10/1982	BARTOS			
	62R	4,402,316	09/06/83	GADBERRY			
	63R	4,412,537	11/01/83	TIGER			
	64R	4,522,639	06/11/85	ANSITE, et al.			
	65R	4,622,964	11/18/86	FLYNN			
	66R	4,655,213	04/07/87	RAPOPORT et al.			
	67R	4,665,570	05/19/87	DAVIS			
	68R	4,671,271	06/09/87	BISHOP, et al.			
	69R	4,677,977	07/07/87	WILCOX			
	70R	Des. 293,613	01/05/88	WINGLER			
	71R	4,770,169	09/13/88	SCHMOEGNER et al.			
	72R	4,774,941	10/04/88	COOK			
	73R	4,782,832	11/08/88	TRIMBLE et al.			
	74R	4,821,713	04/18/89	BAUMAN			
	75R	4,841,953	06/27/89	DODRILL			
	76R	4,848,334	07/18/89	BELLM			
	77R	4,848,366	07/18/89	AITA, et al.			
	78R	4,907,584	03/13/90	MCGINNIS			

FOREIGN PATENT DOCUMENTS

		Document Number	Date MM/YYYY	Country	Inventor Name		English Abstract		Translation Readily Available	
							Enclosed	No	Enclose	No
	79R									

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

	80R	Mask 5 Photographs, Healthdyne Technologies, Nasal CPAP Mask (medium narrow), Part #702510.
	81R	Mask 6 Photographs, Healthdyne Technologies, Soft Series Nasal CPAP Mask, Part #702020.
	82R	Mask 7 Photographs, DeVilbiss Healthcare Inc., Small Mask and Seal Rings, Part #73510-668.
	83R	Mask 8 Photographs, Respironics Inc., Reusable Contour Mask (medium), Part #302180.

Examiner

Date Considered:

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Group Art Unit: 3761

U.S. PATENT DOCUMENTS

Exami ner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
84R	Des. 310,431	09/04/90	BELLM			
85R	4,971,051	11/20/90	TOFFOLON			
86R	4,989,599	02/05/91	CARTER			
87R	5,005,571	04/09/91	DIETZ			
88R	5,005,568	04/09/91	LOESCHER, et al.			
89R	5,038,776	08/13/91	HARRISON et al.			
90R	5,042,473	08/27/91	LEWIS			
91R	5,042,478	08/27/91	KOPALA, et al.			
92R	5,109,840	05/05/92	DALEIDEN			
93R	5,133,347	07/28/92	HUENNEBECK			
94R	5,140,982	08/25/92	BAUMAN			
95R	Des. 334,633	04/06/93	RUDOLPH			
96R	5,243,971	09/14/93	SULLIVAN et al.			
97R	5,265,595	11/30/93	RUDOLPH			
98R	5,279,289	01/18/94	KIRK			
99R	5,343,878	09/06/94	SCARBERRY et al.			
100R	5,357,951	10/25/94	RATNER			
101R	5,419,318	05/30/95	TAYEBI			
102R	5,429,683	07/04/95	LE MITOUARD			
103R	5,431,158	07/11/95	TIROTTA			
104R	5,438,981	08/08/95	STARR et al.			
105R	5,441,046	08/15/95	STARR et al.			

FOREIGN PATENT DOCUMENTS

Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract		Translation Readily Available	
				Enclosed	No	Enclose	No
106R							

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

107R	Mask 9 Photographs, Healthdyne Technologies, Healthdyne Large Headgear.
108R	Mask 10 Photographs, Respiroics Inc., Soft Cap (medium), Part #302142.
109R	Mask 11 Photographs, Weinmann: Hamburg, Nasalmaskensystem mit Schalldämpfer (medium), Part #WN 23105.
110R	Mask 12 Photographs, Life Care.

Examiner

Date Considered:

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Exami ner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	111R	Des. 362,061	09/05/95	MCGINNIS et al.		
	112R	5,477,852	12/26/95	LANDIS et al.		
	113R	5,488,948	02/06/96	DUBRUILLE, et al.		
	114R	5,492,116	02/20/96	SCARBERRY et al.		
	115R	5,501,214	03/26/96	SABO		
	116R	5,517,986	05/21/96	STARR et al.		
	117R	5,540,223	07/30/96	STARR et al.		
	118R	5,560,354	10/01/96	BERTHON-JONES et al.		
	119R	5,570,689	11/05/96	STARR et al.		
	120R	Des. 377,089	12/31/96	STARR et al.		
	121R	5,592,938	01/14/97	SCARBERRY et al.		
	122R	5,647,355	07/15/97	STARR et al.		
	123R	5,647,357	07/15/97	BARNETT et al.		
	124R	5,655,527	08/12/97	SCARBERRY et al.		
	125R	5,657,752	08/19/97	LANDIS et al.		
	126R	5,662,101	09/02/97	OGDEN et al.		
	127R	5,685,296	11/11/97	ZDROJKOWSKI, et al.		
	128R	5,687,715	11/18/97	LANDIS, et al.		
	129R	5,715,814	02/10/98	EBERS		

FOREIGN PATENT DOCUMENTS

	Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract		Translation Readily Available	
					Enclosed	No	Enclose	No
	130R	WO 80/01044	05/29/80	PCT				
	131R	DD 159396	06/04/81	GERMANY				
	132R	DE 3345067 A1	06/20/84	GERMANY				
	133R	GB 2145335 A	03/27/85	GREAT BRITAIN				
	134R	GB 2147506 A	05/15/85	GREAT BRITAIN				
	135R	EP 0 252 052 A1	01/07/88	EUROPE				
	136R	EP 0 264 772 A1	04/27/88	EUROPE				

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

137R	Mask 13 Photographs, Healthdyne Technologies.
138R	Mask 14 Photographs, King System.
139R	Mask 15 Photographs, Respiroics Inc., Pediatric Mask.
140R	Mask 16 Photographs, Hans Rudolph Inc., Hans Rudolph Silicone Rubber Face Mask/8900.

Examiner

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U.S. PATENT DOCUMENTS

Examiner's Initials*		Document Number	Date MM/YYYY Y	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	141R	2,317,608	04/1943	HEIDBRINK			
	142R	3,013,556	12/1961	GALLEHER			
	143R	3,580,051	05/1971	BLEVINS			
	144R	4,467,799	08/1984	STEINBERG			
	145R	4,616,647	10/1986	McCREADIE			
	146R	4,809,692	03/1989	NOWACKI et al.			
	147R	4,910,806	03/1990	BAKER et al.			
	148R	5,046,200	09/1991	FEDER			
	149R	5,069,205	12/1991	URSO			
	150R	5,121,745	06/1992	ISRAEL			
	151R	5,429,126	07/1995	BRACKEN			
	152R	5,542,128	08/1996	LOMAS			
	153R	5,570,682	11/1996	JOHNSON			
	154R	5,666,946	09/1997	LANGENBACK			
	155R	5,746,201	05/1998	KIDD			

FOREIGN PATENT DOCUMENTS

		Document Number	Date MM/YYYY Y	Country	Inventor Name	English Abstract		Translation Readily Available	
						Enclosed	No	Enclose	No
	156R	DE 4004157 C1	04/11/91	GERMANY					
	157R	EP0427474 A2	05/15/91	EUROPEAN					
	158R	AU 91/77110 B	11/21/91	AUSTRALIA					
	159R	EP 0 462 701 A1	12/27/91	EUROPE					
	160R	WO 92/20395	11/26/92	PCT					
	161R	WO 93/01854	02/04/93	PCT					
	162R	WO 94/02190	02/03/94	PCT					
	163R	AU 94/64816 B	12/22/94	AUSTRALIA					
	164R	WO 96/17643	06/13/96	PCT					
	165R	EP 0 747 078 A2	12/11/96	EUROPE					
	166R	WO 96/39206	12/12/96	PCT					
	167R	WO 97/07847	03/06/97	PCT					
	168R	JP 09/216240 A	08/19/97	JAPAN					

Examiner

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Group Art Unit: 3761

U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
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		Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract		Translation Readily Available	
						Enclosed	No	Enclose	No
	169R	DE 459, 104	04/1928	GERMANY					
	170R	1039144	09/1928	CANADIAN					
	171R	1,395,391	05/1975	GREAT BRITAIN					
	172R	GB 1 467 828	03/1977	GREAT BRITAIN					
	173R	EP 0 054 154	10/1981	EUROPEAN					
	174R	DE 3015279 A1	10/1981	GERMANY					
	175R	GB 2 164 569A	03/1986	GREAT BRITAIN					
	176R	FR 2 574 657 A1	06/1986	FRANCE					
	177R	WO 86/06969	12/1986	PCT					
	178R	WO 87/01950	04/1987	PCT					
	179R	DE 3537507	04/23/87	GERMANY					
	180R	DE 3539073 A1	05/14/87	GERMANY					
	181R	EP 0 386 605 A1	02/28/90	EUROPEAN					
	182R	WO 91/03277	03/21/91	PCT					
	183R	FR 2 658 725 A1	08/31/91	FRANCE					
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	185R	EP 0 602 424	11/25/93	EUROPEAN					
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	187R	EP 0 608 684 A1	08/03/94	EUROPEAN					
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	190R				
	191R				
	192R				
	193R				

Examiner

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FORM PTO-1449 (modified)
To: U.S. Department of Commerce
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	196R	1,081,745	12/16/13	JOHNSTON ET AL.			
	197R	1,192,186	07/25/16	GREENE			
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	201R	2,578,621	12/11/51	YANT			
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						Enclosed	No	Enclose	No
	209R	WO 94/20051	09/15/94	PCT					
	210R	EP 0 0697 225	07/13/95	EUROPEAN					
	211R	AU A 32914/95	02/15/96	AUSTRALIA					
	212R	EP 178 925 A2	04/23/96	EUROPEAN					
	213R	WO 96/25983	08/29/96	PCT					
	214R	FR 2 749 176	12/05/97	FRANCE					
	215R	DE 197 35 359	01/29/98	GERMANY					
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219R

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							Enclosed	No	Enclose	No
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	238R	DE 297 23 101	07/09/98	GERMANY						
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	240R	DE 4343205 A1	06/22/95	Germany						
	241R	AU 95/16178 B	07/13/95	Australia						
	242R	AU 9459430	02/29/96	Australia						
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244R

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							Enclosed	No	Enclose	No
	259R									
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	261R									
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	267R									
	268R									
	269R									

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	272R	5,560,354	10/01/96	BERTHON-JONES ET AL.			
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	286R	701 690	01/22/41	GERMANY					
	287R	WO 82/03548	10/28/82	SULLIVAN					
	288R	DE 298 10846 U1	08/20/98	GERMANY					
	289R	WO 98/48878	11/05/98	PCT					
	290R	AU A 89312/98	01/07/99	AUSTRALIAN					

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291R	
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	297R	5,546,936	08/20/96 VIRAG ET AL.			
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	299R	6,044,844	04/04/00 KWOK ET AL.			
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309R							
310R							

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311R	
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